

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WILLIE DAVIS, JR., NATHANIEL
BRIDDELL, GEORGE W. FEDDIMAN,
JOSEPH GARISON, LARRY E. GIBBS,
ROY H. WALTERS, and ALL
SIMILARLY-SITUATED CURRENT
AND FORMER EMPLOYEES OF
MOUNTAIRE FARMS, INC.,
MOUNTAIRE FARMS OF DELMARVA
INC., and MOUNTAIRE FARMS OF
DELAWARE, INC.,

Plaintiffs,

v.

MOUNTAIRE FARMS, INC., a Delaware
Corporation, MOUNTAIRE FARMS OF
DELMARVA, a Delaware Corporation,
and MOUNTAIRE FARMS OF
DELAWARE, INC., a Delaware
Corporation,

Defendant.

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Civil Action No. 04-414 – ***

JOINT STATUS REPORT

This is a Fair Labor Standards Act case brought by six crew leaders who allege that they were improperly classified as exempt from overtime under the executive exemption. Judge Jordan granted the Defendants' motion for summary judgment in its entirety; however, the Court of Appeals for the Third Circuit reversed that ruling and remanded the case.

Present status:

The first amended scheduling order issued September 22, 2006 (D.I. 72) contains the following dates:

Pretrial order-- January 22, 2007

Jury instructions, voir dire, special verdict forms--three days before trial conference.

Pretrial conference -- February 22, 2007 4:30 pm.

Four day jury trial -- March 19, 2007.

Outstanding Motions:

Defendants' Motion for Partial Summary Judgment is pending. The pleadings include Defendants' opening motion (D.I. 67, 9/15/06), Plaintiffs' Answering Brief in Opposition (D.I. 75, 10/13/06) and Defendants' Reply (D.I. 79, 11/10/06).

Status of Discovery:

The main discovery is completed. The parties agree that Plaintiffs may depose the new witnesses presented by Defendants.

Mediation

The parties had a mediation conference before the motion for summary judgment. **Other matters**

The parties agree that it would be premature to prepare a Pretrial Order before the pending motion is decided, and that it does not appear that this case can advance until a new judge has been confirmed to fill the vacancy left by Judge Jordan's appointment to the Court of Appeals. Under the circumstances, the parties request that the dates for the pretrial order, voir dire/jury instructions/special verdict forms, pretrial conference and trial be continued pending appointment of a new judge.

Date: January 10, 2007

Respectfully submitted,

/s/ Matthew F. Boyer

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